

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

IN RE: AMERICAN MEDICAL SYSTEMS, INC.
PELVIC REPAIR SYSTEMS PRODUCTS LIABILITY
LITIGATION

MDL No. 2325

THIS DOCUMENT RELATES TO ALL CASES

AFFIDAVIT OF ANDREW CASSIDENTI, M.D.

Andrew Cassidenti, M.D., being first duly sworn upon oath, deposes and states as follows:

1. I have personal knowledge of the facts stated herein, and could and would competently testify thereto if called as a witness.
2. I am a urogynecologist practicing at St. Joseph Hospital in Orange, CA. I am board certified in obstetrics and gynecology, three year fellowship trained in urogynecology and pelvic reconstructive surgery and board certified in female pelvic medicine and reconstructive surgery. I have been practicing medicine for over 25 years.
3. On or around July 15, 2013 I received an email from info@Doc-Net.org with the "Subject: Vaginal mesh removal cases." The email was from a group looking for surgeons experienced and interested in vaginal mesh removal cases. I was curious and responded by email July 15, 2013 that "I am a fellowship trained Urogynecologist in Orange County CA very experienced in the management of

vaginal mesh exposure removal and the management of all vaginal mesh complications. Please send me further information about your program. Thank you."

4. Later that day I received an email back from Otto Fisher with Matt Lister copied, stating "Hi Doc Please call me when you can to discuss this opportunity otto fisher 732 501-0000." Emails are attached.
5. I was on vacation with my family that week and waited until I returned home to call Otto Fisher.
6. On August 5, 2013 I had a phone call with Otto Fisher. I started the conversation asking him if he was a doctor or an attorney and he told me "I am neither, I am an entrepreneur." I asked him what was he looking for. He told me that he needed a doctor in my area in southern California as well as in Las Vegas to do mesh removal cases. He told me he pays \$2500 per surgery "whether it took 5 minutes or 2 hours" and that they were done at outpatient surgery centers. He stated that office consultation, cystoscopy and urodynamics if needed were paid at a set rate. I asked him what outpatient surgery centers were being used and he said he contracts with certain centers. I told him I work at and am a partner at La Veta surgery center very close to my office which would be very convenient for me and if I agreed to do surgeries, could they be done there? He said he would be happy to contact them to discuss this and I gave him the name and phone number of the contact person there.
7. He told me that "some of the patients are crazy but most are reasonable." He told me I would get paid whether I removed mesh or not. He stated that he has paid a

doctor who operated on a women who found no mesh at surgery and he paid him anyway.

8. He told me "there is a federal judge in West Virginia that needs to see key phrases in the operative report like defective mesh, bunched up mesh and mesh erosions." I immediately asked Otto that " you are not telling surgeons what to dictate in an operative report, are you?" He said "no, but it's just a game and we have to play the game." I told him I do a lot of medical legal work for both defense and plaintiffs in malpractice cases and he responded "so then you know it's just a game." He told me that he has many "reputable surgeons" working with him whose names he would share with me later.

9. I told him that I do not think that vaginal mesh used for urinary stress incontinence (USI) and pelvic organ prolapse (POP) is defective

10. He told me there is "a simple one page contract" with him in that phone call and at a later date told me there is no contract.

11. He told me Dan Christensen, his funding arm attorney would be calling me and to take his phone call.

12. Otto Fisher asked me to email him my CV and I did. At this time, I became concerned and suspicious that Otto Fisher and his associates were engaged in a scheme that could be harmful to women. I decided to continue my correspondence with him to gather further information about his business plan.

13. He asked me if I knew any experienced mesh surgeons in Las Vegas because he

had a back load of cases in Las Vegas and "the lawyers were getting on him." I told him I would speak with a colleague Dr Geoff Hsieh I knew in Las Vegas and get back to him. I did speak with Dr Geoff Hsieh, board certified in Female pelvic medicine and reconstructive surgery, who is a colleague and friend of mine about Otto and he told me Otto had contacted him previously and spoke with his partner and practice attorney and they decided they did not want to work with Otto.

14. At the end of my conversation with Otto he told me "welcome aboard" and I told him I was not on board and needed to speak with Dan Christensen first and my practice attorney.
15. Otto immediately started pressuring me to sign on with him. He texted me after our phone call at 940 am PST on August 6, 2013 his contact information and the message "Great to speak to you! Welcome to the team!" At 1014 am PST he texted "Just remember to Email me ur CV Ottofisher@gmail.com. And Contact Jeff Shay for me Pls." At 1049 am PST I texted back "Let me look into getting a Nevada medical license. It may make sense for me to fly to Vegas to do a full day of surgeries as needed." He responded "True."
16. Same day 406 pm PST text from Otto "Did you email me ur cv yet." I responded "Not yet. Still seeing patients. Will do later tonite when I get home." Otto responded "I forgot I'm est time."
17. He texted me August 12, 2013 at 747 am PST "Drew Make sure you speak to Dan from my office He left u a message last week He runs my funding arm and is my attorney point man Thanks Otto." I replied "Will do."

18. August 14, 2013 834 am PST Otto texts me "Drew I also need a specific contact person within ur office to work with the patient scheduler at my office whom has been assigned to send u new patients Send me her name Phone email And tell her Amanda will be her contact person Thanks."
19. I responded at 902 am PST " Let me speak with your attorney first, see a contract and run it by my practice attorney as well before we have Amanda start working with my staff. Thanks." Otto immediately responded " There r no contracts as I said Feel free to speak to my lawyers I'm holding on to these Vegas patients by a thread Don't delay too long ;)) It's \$50,000 to u just waiting there ready."
20. On August 15, 2013, I was contacted by phone by a man who introduced himself at Daniel Christiansen of MedStar Funding in Austin, TX. My contemporaneous notes of this conversation are attached. He informed me that he was an attorney from Austin, Texas and that he was working in conjunction with Otto Fisher. He told me that MedStar Funding was in the business of funding mesh lawsuits and he used the term "factoring" to describe this process.
21. I asked him that I did not understand why the patients were not going back to the doctors who put in the mesh to have them manage the mesh complications. He told me that there are thousands of women with mesh complications who don't have insurance to get care now. He stated that many providers don't want to take managed care rates. He stated that even if the patients do have insurance, they act as a facilitator to have them see a provider. He stated they provide travel to the doctors qualified to do the surgeries.
22. He stated that patients tell him "I don't have confidence in my doc" and that their

"Doc says they are fine, just live with this."

23. I told him that I was trying to understand his business model. I asked him if it was the case that patients were being referred to him by the plaintiff attorneys in the mesh lawsuits. He said yes. I asked him if his business plan is that he was going at risk funding the patients mesh removal surgery and travel in advance assuming he would get paid back a premium on his investment if and when the mesh lawsuits were won. He said yes "it's called factoring." He told me the lawsuits were against the manufacturers of the mesh products, not the doctors.
24. I told him I was troubled when Otto Fisher told me of the needed language in my operative report that the federal judge in West Virginia needs to see and that "it's just a game." . He told me that " Otto must have misspoke or you misinterpreted him." I told him that Otto was very clear and that I did not misinterpret him. He also told me that he was a practicing attorney and would not want to be involved in anything that could threaten his law license.
25. In the course of this conversation, I told Mr. Christiansen that I do not hold the opinion that mesh used to treat urinary stress incontinence or pelvic organ prolapse is defective. I also told him that I was not comfortable with having lawyers tell me the language to be included in my operative notes. I repeated that I would never dictate anything in my operative report that was not truthful, that I believed the mesh is not defective. He told me that "you would not be helping the patient if you fix them but you don't help them win their mesh lawsuits cases." He told me I "needed to get my head around what the patient wants which is to win the lawsuit."
26. He stated that I likely "was not a good fit" for his team.

27. I told him he was probably right.
28. I have had no contact with Otto or Dan since that conversation.
29. Copies of my email correspondence are attached.
30. I found out the afternoon of September 17, 2013 that my name and office address are listed on a website Surgicalassistance.com which I had never heard of before nor would ever agree to work with. I looked at the website and discovered it advertised surgeons who agreed to do the mesh removal surgery without compensation unless a mesh lawsuit is won. I called the phone number listed on the website and spoke with a Mr. Blake Barber the next day. I told him I was very upset that my name was placed on this website without my knowledge or permission and he asked me if I knew Otto Fisher. I said I did and he told me he works with Otto Fisher and that Otto told him to put my name up. I told him I never gave Otto permission to do this nor am I going to work with Otto in any way. Mr Blake asked me if I did not want to work with Otto, would I still be willing to work with him. I said no and asked him to immediately remove my name from the website or my personal attorney would be contacting him. He said he would remove my name.
31. I am sharing this information with the attorneys representing pelvic mesh manufacturers and this Court because I believe that the scheme described above wrongfully promises to allow certain "entrepreneurs" and the surgeons they employ to profit for performing unnecessary surgeries on women. I fear plaintiff attorneys may be using this scheme to get what they feel is needed testimony from surgeons to win their mesh lawsuits. I do not believe that pelvic mesh devices for

the treatment of stress urinary incontinence or pelvic organ prolapse are defective and I strongly support their continued use. The above-described actions do not fairly and honestly represent women who have had these devices implanted and certainly threaten to cause unnecessary harm.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on the 26th day of September 2013, in the County of Orange, CA.


Andrew Cassidenti, M.D.

State of California County of ORANGE
Subscribed and sworn to (or affirmed) before me on this
26 day of Sept, 2013, by
ANDREW CASSIDENTI
proved to me on the basis of satisfactory evidence
to be the person(s) who appeared before me.
Signature Y. Kim

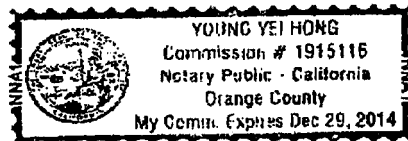


Exhibit 1

Sep 18 13 11:06a Cassidenti

9494965834

p.2

Re: Vaginal mesh removal cases

Page 1 of 1

From: otto fisher <ottofisher@gmail.com>
To: Matt Lister <aaaa1031@aol.com>; Andrew Cassidenti <abruin4ev@aol.com>
Subject: Re: Vaginal mesh removal cases
Date: Mon, Jul 15, 2013 11:27 am

Hi Doc

Please call me when you can to discuss this opportunity

otto fisher
732-501-0000

On Mon, Jul 15, 2013 at 12:08 PM, Matt Lister <aaaa1031@aol.com> wrote:

This is what I have from the doctor. I guess you gonna have to email him first to get a phone number

Sent from my iPhone

Begin forwarded message:

From: Andrew Cassidenti <abruin4ev@aol.com>
Date: July 15, 2013, 1:45:25 AM EDT
To: "info@Doc-Net.org" <info@Doc-Net.org>
Subject: Vaginal mesh removal cases

I am a fellowship trained Urogynecologist in Orange County CA very experienced in the management of vaginal mesh exposure removal and the management of all vaginal mesh complications. Please send me further information about your program.
Thank you,

Andrew Cassidenti, MD
Director, Female Pelvic Medicine and Reconstructive Surgery
St Joseph's Hospital, Orange, CA
Clinical Professor OB/GYN
Keck/USC School of Medicine, Los Angeles, CA

Sent from my iPad

—
OTTO FISHER
ONE POINT ORTHOPEDICS
AND NEUROSURGICAL GROUP
732-501-0000 MOBILE

Re: Cassidenti CV attached

Page 1 of 1

From: otto fisher <ottofisher@gmail.com>
To: Drew Cassidenti <abruin4ev@aol.com>
Subject: Re: Cassidenti CV attached
Date: Mon, Aug 12, 2013 8:58 am

Drew

Ive reached out to Dr Ruhland at the sx ctr.

My attorney liaison Dan Christensen will be contacting
you also to introduce himself

Dan.s cell number is 512-695-6677

pls accept his call when you can

I will also need from you a specific contact
person within your practice to handle the
booking of each patient. Send me that persons
contact and make her aware that Amanda from
my office will be contacting
her as well.

and Welcome to our group as our California surgeon !!!!!!!

otto

On Tue, Aug 6, 2013 at 11:14 PM, Drew Cassidenti <abruin4ev@aol.com> wrote:
Otto,

My CV attached.

Thanks,
Andrew Cassidenti, MD
abruin4ev@aol.com

—
OTTO FISHER
ONE POINT ORTHOPEDICS
AND NEUROSURGICAL GROUP
732-501-0000 MOBILE

Re: Cassidenti CV attached

Page 1 of 2

From: otto fisher <ottofisher@gmail.com>
To: Andrew Cassidenti <abruin4ev@aol.com>
Subject: Re: Cassidenti CV attached
Date: Mon, Aug 12, 2013 10:01 am

sure thing Drew

our company name is
Physicians Surgical Group

our attorneys name is

Jeff Cohen
Board Certified by the Florida Bar in Health Law

Florida Healthcare Law Firm
The Gulfstream Bank Building
909 S.E. 5th Avenue, Suite 200
Delray Beach, FL 33483
(561) 455-7700 (office)
(561) 455-7701 (fax)
(888) 455-7702 (toll free)

jcohen@floridahealthcarelawfirm.com
www.floridahealthcarelawfirm.com
Twitter: @FLHealthLawFirm
feel free to ask him any thing

otto

On Mon, Aug 12, 2013 at 12:43 PM, Andrew Cassidenti <abruin4ev@aol.com> wrote:
Let me speak with your attorney first, see a contract and run it by my practice attorney as well before we
have Amanda start working with my office staff.
Thanks.

Best,

Drew Cassidenti, MD
Director, Female Pelvic Medicine and Reconstructive Surgery
St. Josephs Hospital, Orange, CA
Clinical Professor OB/GYN
Keck/University of Southern California School of Medicine, Los Angeles, CA

On Aug 12, 2013, at 8:58 AM, otto fisher <ottofisher@gmail.com> wrote:

Drew

Re: Cassidenti CV attached

Page 2 of 2

Ive reached out to Dr Ruhland at the sx ctr.

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Andrew Cassidenti, MD
abruin4ev@aol.com

—
OTTO FISHER
ONE POINT ORTHOPEDICS
AND NEUROSURGICAL GROUP
732-501-0000 MOBILE

—
OTTO FISHER
ONE POINT ORTHOPEDICS
AND NEUROSURGICAL GROUP
732-501-0000 MOBILE

Mesh cases

Page 1 of 1

From: Dan Christensen <Dan@medstarfunding.com>
To: abruin4ev <abruin4ev@aol.com>
Cc: ottofisher <ottofisher@gmail.com>; Lisa Christensen <Lisa@medstarfunding.com>
Subject: Mesh cases
Date: Tue, Aug 13, 2013 5:07 pm

Dr. Cassidenti:

I left a message on your phone last week. I am working with Otto Fischer as part of this network of providers servicing mesh cases. We are the funding arm to the network. I would like to speak to you soon about how to get you some patient flow. When is good for you?

Dan Christensen, Esq.

Founder and President

MedStar Funding

7301 RR 620 N, Ste. 155-334

Austin, Texas 78726

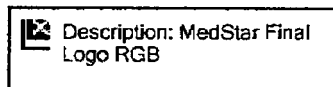
(512) 266-0097 (o)

(866) 468-5043 (f)

(512) 695-6677 (c)

www.medstarfunding.com

dan@medstarfunding.com



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Exhibit 2

8-15-13 Dan Christensen
AL

1. How does it work, why does
not pt see her own doctor
to repair her complications at
the local hospital using
her ^{med.} insurance?

2. Contract

1,000,000 of 7 million car
money
I don't have confidence
to get car now

money providers don't want
A total warranty car
rate

wait if they do have
insurance, they
it is a fault rate
to all a provider. —

they provide proof to the
doctor's quality of care

the way I don't have confidence
in my doc
a true doc says they
are fair, just like
this